

**GOVERNMENT OF TELANGANA
ABSTRACT**

HM&FW Department – Hon'ble Supreme Court of India – W.P. (Civil) No.95/2012 filed by Devika Biswas versus Union India & Others regarding unsafe and unethical sterilization – Implementation of Hon'ble Supreme Court orders dated: 14.09.2016 in W.P. (Civil) No.95/2012 - Doubling of Indemnity for Family Planning Sterilization death/ complication/ failures – Orders – Issued.

HEALTH, MEDICAL & FAMILY WELFARE (D2) DEPARTMENT

G.O.Ms.No. 62

Dated: 05-07-2018

Read the following:

1. Hon'ble Supreme Court orders dated: 14.06.2016 in W.P. (Civil) No.95/2012 Devika Biswas versus Union of India & others
2. From Shri C.K.Mishra, Secretary, Department of Health and Family Welfare, Ministry of Health & Family Welfare, Govt. of India, New Delhi D.O.No.N.11017/C/1/2012-FP(Pt), dated: 04.10.2016
3. From Dr.S.K.Sikdar, Deputy Commissioner, In-charge Family Planning Division, Ministry of Health & Family Welfare, Govt. of India, New Delhi D.O.No.N.11017/C/1/2012-FP(Pt), dated: 22.02.2018
4. From Commissioner of Health & Family Welfare, Telangana, Hyderabad Lr.No.60/Supreme Court Case/PS&SP/CH&FW/2016, dated: 12.03.2018

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ORDER:

In the reference 4th read above, the Commissioner of Health & Family Welfare, Telangana, Hyderabad has submitted that, in W.P. (Civil) No.95/2012, dated: 14.09.2016, the Hon'ble Supreme Court of India have issued the following directions regarding Family Planning Sterilizations:

- i. Upload the list of empanelled sterilization providers and Quality Assurance Committee members with their names and full particulars in the State/ UT websites to be linked to the website of MoHFW, Govt. of India.
 - ii. Ensure that the updated consent forms and post – operative instruction cards are translated in the local language and clients are explained about the procedure so that an informed consent is obtained from them as per Government of India guidelines.
 - iii. In addition to the biannual report, QACs should prepare an annual report card, depicting statistical as well as non-statistical information like meetings held, enquiries conducted, remedial steps taken and achievement for the year and upload the same on State/ UT website to be linked to the website of MoHFW, Govt. of India.
 - iv. The same annual report should also contain details of death audits conducted, number of claims submitted for each category of death, complication and failure, claims paid, outstanding claims and claims rejected with reasons for rejection.
 - v. The quantum of compensation fixed under the Family Planning Indemnity Scheme (FPIS) may be doubled with the balance being paid from the State health budget.
 - vi. States should phase out sterilization camps over a period of three years and provide services on fixed day mode by strengthening Primary Health Care Centers appropriately.
 - vii. States to ensure target free approach for Family Planning services.
 - viii. Implement the decisions taken in the high level meetings held on 15th May, 2015, 17th November, 2015 and National Summit on Family Planning held on 5th – 6th April, 2016 scrupulously.
 - ix. Disseminate and ensure strict adherence to the updated guidelines of the Government of India.
2. The Commissioner of Health & Family Welfare, Telangana, Hyderabad has stated that, the Ministry of Health & Family Welfare, Gol in D.O.No.N.11017/C/1/2012-FP(Pt), dated: 04.10.2016 has also requested the State to double the Indemnity and to meet half of the amount from the State budget. An amount of ₹.42.30 lakhs are estimated to be required per annum on an estimated (06) Sterilization deaths, (3) complications and (28) failures. Half of the said amount is to be met from the Central Government share from National Health Mission funds and the other half i.e., ₹.21.00 lakhs (Rupees Twenty one lakhs only) is to be met from the Head of Account: 2211-00-001-25-08-500-503 Contingency fund to Family Welfare, wherein ₹.1.00 crore per annum is available. Commissioner of Health & Family Welfare, Telangana requested the Government to permit her to double the Indemnity to cover the Sterilization Deaths, Complications and Failures and to meet the State share from Head of Account: 2211-00-001-25-08-500-503 Contingency fund to Family Welfare.

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3. Government after careful examination of the proposal of the Commissioner of Health & Family Welfare, Telangana, Hyderabad, hereby order for doubling the quantum of compensation fixed under the Family Planning Indemnity Scheme (FPIS) as per the orders of Hon'ble Supreme Court India dated: 14.09.2016 in W.P. (Civil) No.95/2012, as shown in the table below and the additional expenditure i.e., remaining half of the amount to be met from matching State share with Government of India share under National Health Mission instead of State budget under contingency fund to Family Welfare Scheme.

Sl.No.	Issues covered	Current Limit of indemnity	Revised limit of indemnity
1	Death due to sterilization operation in Hospital or within 7 days from the date of discharge from the hospital	₹.2,00,000	₹.4,00,000
2	Death occurring due to sterilization operation between 8 to 30 days from the date of discharge from the hospital	₹.50,000	₹.1,00,000
3	Failure of sterilization operation (payable once only)	₹.30,000	₹.60,000
4	Expenses for treatment of medical complication due to sterilization operation (within 60 days of operation)	Actual subject to maximum of ₹.25,000	Actual subject to maximum of ₹.50,000
SECTION II: Empanelled Doctors under Public and Accredited Private/ NGO			
5	Indemnity coverage to the Service Providers on legal issues arising out of the surgery	₹.2,00,000	₹.4,00,000

4. The Commissioner of Health & Family Welfare, Telangana, Hyderabad shall take necessary action accordingly.

5. This order is issued with the concurrence of Finance (EBS.V) Department vide their U.O.No.941/98/A2/EBS.V/2018, dated: 02.06.2018.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**A.SANTHI KUMARI
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner of Health & Family Welfare, Telangana, Hyderabad
The Director of Public Health & Family Welfare, Telangana, Hyderabad
The Director of Medical Education, Telangana, Hyderabad
The Commissioner, Telangana Vaidya Vidhana Parishad, Hyderabad

Copy to:

The Principal Accountant General, A.P., & Telangana, Hyderabad
The OSD to M (HM&FW), Govt. of Telangana, Hyderabad
The Finance (EBS.V) Department, TSS, Hyderabad
The P.S. to Principal Secretary to Government, HM&FW Department, T.S.S., Hyderabad
The Additional Secretary to Government, HM&FW Department, T.S.S., Hyderabad
The Secretary, Ministry of Health & Family Welfare, Govt. of India, Room No.156, A-Wing, Nirman Bhavan, New Delhi – 110011
The Deputy Commissioner, In-charge: Family Planning division, Ministry of Health & Family Welfare, Govt. of India, Room No.452-A, Nirman Bhavan, New Delhi – 110011
Sc/sf

//FORWARDED: BY ORDER//

SECTION OFFICER